IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1185 OF 2005

IN

FIRST APPEAL NO. 926 OF 1997

Suleman Haji Ismail & Ors. ..Appellants.

V/s.

The Municipal Corpn.of Gr.Bombay & Ors. ..Respondents.

CORAM : S. B. MHASE, J.
DATED : APRIL 20, 2005

PC :-

. None present.

. This is an Application to set aside the order dated 8th February, 2002, by which printing was dispensed with and appellant was directed to file paper book within the stipulated time. Since, it is not done, as per the said directions, the appeal has been dismissed for non- prosecution.

. Therefore, this application is to set aside the said order of non-prosuection and to restore the appeal with further prayer to grant time to comply with the office objection. Therefore, the order dated

8th February, 2002 passed in Appeal No. 926/1997 is hereby set aside and the further time of 8 weeks is granted to submit the paper book.

. There is further prayer, requesting to grant leave to delete the names of Respondents Nos. 4,5 & 6. Therefore, the leave to delete the said Respondents Nos. 4,5 & 6 is granted on the risk of the applicant.

. Delay in filing this application is condoned.

. However, so far as the prayer clause (c) is concerned, by which a prayer is made to restore the ad-interim relief, which was granted on 6.10.1997, cannot be granted because other side will have to be heard by a separate application. Therefore, the applicant is allowed to file a separate application for the prayer clause (c).

. With these observations and directions, C.A. is disposed of.

(S.B.MHASE,J)

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spb/-